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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,711

07/29/2004

Aaron DeLong

MASL-50

4710

37690

7590

11/15/2006

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EXAMINER

PAPE, JOSEPH

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/710,711	Applicant(s) DELONG ET AL.	
	Examiner Joseph D. Pape	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
 4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soeters in view of Larsen et al.

Soeters discloses the claimed invention including housing 21, 22, power contact 50, latching mechanism 54 and a transport device comprising the curved bottom, rear housing edge as shown in Figure 1.

Soeters does not disclose the specific transport device including a strap which is removable.

Larsen et al. disclose a console member of a vehicle with a removable strap 51 for selective attachment to the console member and removal of the console member from the vehicle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the console of Soeters with an additional transport device comprising a removable strap as taught by Larsen et al. for selective attachment to the console member and removal of the console member from the vehicle.

Re claims 11 and 12, the removable strap of Soeters, as modified, includes two anchor points, one at each end of housing 21,22.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Johnson.

Soeters, as modified, discloses the claimed invention including a latching mechanism including a power contact. Soeters, as modified, sets forth in column 2, lines 34-35, that "various electrical components" may be mounted within the console.

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Soeters, as modified, does not disclose a specific electrical component mounted within the console which includes a built into the housing speaker associated with the electrical component.

Johnson discloses a vehicle console with an electrical component mounted within the housing thereof and connected to the speaker assembly 32. The device and speaker system of Johnson inherently includes "sound contacts" between the electrical component and the speaker as broadly as recited.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the console of Soeters, as modified, with an electrical device therein connected to a built in speaker as taught by Johnson for enhanced function of the electrical supply within the console. The sound contact of Soeters, as twice modified, is considered to be capable of "cooperating with the vehicle to provide sound to the vehicle" in that it is supported indirectly by the vehicle in a cooperative manner.

Re claim 10, the latching mechanism of Soeters, as twice modified, includes a power contact (not a sound contact; the sound contact is not required by the "at least one" phrase) and the sound contacts are considered to "cooperate with sound contacts of the vehicle" in that the sound contacts of the electrical component and the speaker are considered to be "of the vehicle" as broadly as recited.

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Grabowski et al.

Soeters, as modified, disclose the claimed invention except for the use of a battery for the console electronics and a plug thereon for other devices.

Grabowski et al. disclose a console housing which uses battery power for its electronics and includes power outlet 30.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the console of Soeters, as modified, with battery power and to provide the console with a plug on the housing for other devices as taught by Grabowski et al. for an enhanced power source for the electronics of the console and for other devices.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Gaus and Johnson.

Soeters, as modified, disclose the claimed invention except for a thermoelectric cooling device and a radio.

Gaus discloses a console with a first compartment having a thermoelectric cooling device.

Johnson discloses a console with a radio.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the console of Soeters, as modified, with a cooling device as taught by Gaus for keeping certain items within the vehicle cold. Further, it would also have been obvious to provide the console of Soeters, as twice modified, to include a radio as taught by Johnson for communication purposes.

Response to Arguments

7. Applicant's arguments with respect to claims 9, 10 and 15 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed 9/6/06 have been fully considered but they are not persuasive.

'Regarding claims 8 and 11-12, the strap (transport device) of Larsen et al. is selectively attached to the console component housing for easier removal thereof. The console of Soeters is also removable and includes a transport device comprising the curved bottom, rear housing edge as shown in Figure 1 for removal purposes. It is still considered to be obvious to selectively provide the transport device of Larsen et al. on the console of Soeters for an enhanced manner of removing the console of Soeters because in both references the console is removable and the improvement of Larsen et al. is clearly applicable to other removable consoles for easier removal thereof.

Regarding claims 13 and 14, the combination of Soeters and Grabowski et al. is considered to be obvious for the reasons given above and further relative space and weight considerations are necessary tradeoffs when using battery power inside a console instead of the battery power of the vehicle itself. The size and shape of Applicant's console which accommodates batteries reflects such necessary space and weight considerations.

Conclusion

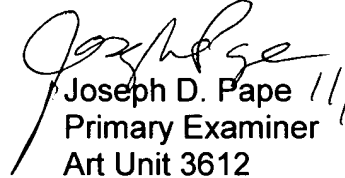
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (571)272-6664. The examiner can normally be reached on Tuesday-Friday 6:30 AM-3:00 PM.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joseph D. Pape 11/9/06
Primary Examiner
Art Unit 3612

Jdp

11/6/06